

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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PAUL MITCHELL,

Plaintiff,

- v -

Civ. No. 9:05-CV-0656  
(GLS/RFT)

DALE ARTUS, Superintendent, Clinton Correctional  
Facility,

Defendant.

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**APPEARANCES:**

**OF COUNSEL:**

OFFICE OF RICHARD L. BAUMGARTEN  
Attorney for Plaintiff  
P.O. Box 242  
Buffalo, New York 14201

RICHARD L. BAUMGARTEN, ESQ.

**RANDOLPH F. TREECE  
UNITED STATES MAGISTRATE JUDGE**

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**ORDER TO SHOW CAUSE**

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It appearing that a civil action was filed with the Clerk of the Court on May 27, 2005, and it further appearing that the action has not been diligently prosecuted, you are hereby directed pursuant to Local Rule 41.2 of the Northern District of New York to show good cause before this Court on **Monday, February 19, 2007, at 10:00 a.m.**, in the City of **Albany**, New York, why the above-captioned case should not be dismissed. This motion will be taken on a submit basis; *no personal appearance is necessary.*

You are further directed to file a written statement of such good cause **ten (10) days prior to the return date** with the Clerk of the Court in **Albany**, New York. No explanations communicated in person, over the telephone, or by letter shall be acceptable. Failure to respond to this Order will result in this Court recommending dismissal of this action.

**IT IS SO ORDERED.**

Date: January 26, 2007  
Albany, New York



RANDOLPH F. TREECE  
United States Magistrate Judge

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